

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



Garrett T. Arthur, *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 16, 2026

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

**RE: IN THE MATTER OF THE APPLICATION BY LOGAN X READY MIX
LLC FOR CONCRETE BATCH PLANT REGISTRATION NO. 179939
TCEQ DOCKET NO. 2025-1844-AIR**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Pranjal".

Pranjal M. Mehta, Attorney
Assistant Public Interest Counsel

A handwritten signature in cursive script that reads "Michael Rakauskas".

Michael Rakauskas, Attorney
Assistant Public Interest Counsel

cc: Mailing List

DOCKET NO. 2025-1844-AIR

**APPLICATION BY
LOGAN X READY MIX LLC.
CONCRETE BATCH PLANT
BRIDGEPORT, WISE COUNTY**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S RESPONSE
TO REQUESTS FOR HEARING**

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (OPIC) at the Texas Commission on Environmental Quality (TCEQ) files this Response to Requests for Hearing on the application in the above-captioned matter and respectfully submits the following.

I. INTRODUCTION

A. Summary of Position

Before the Commission is an application by Logan X Ready Mix LLC (Applicant) for a Standard Permit under Texas Health and Safety Code § 382.05195 which would authorize the construction of a new facility that may emit air contaminants. OPIC respectfully recommends the Commission find that Donna Meyer, Keith Meyer, and Danny Meyer qualify as affected persons and grant their hearing requests. OPIC further recommends the Commission refer the issues specified in Section III.B. for a contested case hearing at the State Office of Administrative Hearings (SOAH) with a maximum duration of 180 days.

B. Description of Application and Facility

Applicant seeks Registration No. 179939 to authorize construction of a permanent concrete batch plant. The facility would be located at 422 County Road 3332 Bridgeport, Wise County 76426. Contaminants authorized under this permit include particulate matter including aggregate, cement, road dust, and particulate matter with diameters of 10 microns (PM₁₀) or less and 2.5 microns (PM_{2.5}) or less.

C. Procedural Background

The application was received on April 22, 2025, and declared administratively complete on May 20, 2025. The Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision (consolidated public notice) for this permit application was published in English on May 29, 2025, in the *Wise County Messenger*, and in Spanish on June 4, 2025, in *La Prensa Comunidad*. The comment period ended July 7, 2025. The Executive Director (ED) mailed a Response to Comments on October 29, 2025, and the deadline to submit a hearing request or request for reconsideration of the ED's preliminary decision on this application was December 1, 2025.

II. APPLICABLE LAW

The Application was filed after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709. Tex. S.B. 709, 84th Leg., R.S. (2015). Under 30 Texas Administrative Code (TAC) § 55.21(c), a hearing request by an affected person must be in writing, must be timely filed, may not

be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (2) identify the requestor's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
- (4) list all relevant and material disputed issues of fact that were raised by the requestor during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the ED's responses to the requestor's comments that the requestor disputes, the factual basis of the dispute, and list any disputed issues of law; and
- (5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

Under 30 TAC § 55.203(a), an "affected person" is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the

general public does not qualify as a personal justiciable interest. Relevant factors to be considered in determining whether a person is affected include:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person;
- (6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203(c).

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the executive director; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the executive director, the applicant, or hearing requestor.

30 TAC § 55.203(d).

Under 30 TAC § 55.211(c)(2)(A)(ii), for an application filed on or after September 1, 2015, the Commission must grant a hearing request made by an affected person if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and that are relevant and material to the Commission's decision on the application.

Under § 55.211(c)(2)(B)-(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

III. ANALYSIS OF HEARING REQUESTS

A. Whether the requestors are affected persons

Texas Health and Safety Code (THSC) Section 382.058(c) limits affected person status to "only those persons actually residing in a permanent residence within 440 yards of the proposed plant" authorized by a Standard Permit registration under THSC § 382.05195. Accordingly, OPIC's analysis is constrained by the distance limitation imposed by statute.

Donna, Keith, and Danny Meyer

The Meyers submitted timely comments and individual hearing requests emphasizing their proximity to the proposed facility, including that they share a property line with the site and live there full-time. The Meyers are concerned that emissions from the Applicant's plant would adversely impact their health and ability to enjoy outdoor activities on their property. They are also concerned

about the potential adverse impact on air quality, wildlife, livestock, and the surrounding environment, including agricultural land. These concerns are interests that are protected by the law under which the application is considered, and a reasonable relationship exists between those interests and regulation of the facility. *See* 30 TAC § 55.203(c)(1) and (3). According to the map prepared by the ED's staff, the Meyers are located within 440 yards from the proposed facility. This satisfies THSC Section 382.058(c) as their home is within 440 yards of the proposed plant. The Meyers' proximity to the Applicant's facility increases the likelihood of impacts on their health, safety, and use of property. *See* 30 TAC § 55.203(c)(4). Based on the Meyers' concerns and proximity to the facility, the Meyers have a personal justiciable interest in this matter which is not common to members of the general public, and therefore, they qualify as affected persons under 30 TAC § 55.203.

Requestors Who Did Not Submit Timely Comments

The Commission received timely hearing requests from the following persons who did not file timely comments: Hal Helton (450 yards), Ren Helton (450 yards), Tamara Helton (450 yards), Joshua Huseby (332 yards), Patrick Huseby (332 yards), Samantha Huseby (332 yards), Danae Read (605 yards), Dickie Read Jr. (605 yards), Dickie Read (496 yards), Chris Read (825 yards), Melissa Read (825 yards), Sharon Reed (568 yards), and Ron Womack (316 yards).

By law, for the Commission to find that a hearing requestor qualifies as an affected person, the requestor must have submitted timely comments on the application, and the request must be based only on that affected person's timely

comments. *See* Texas Water Code § 5.115(a)(a-1)(2)(B); 30 TAC § 55.201(c). Because these requestors have not complied with this requirement, OPIC is unable to find that these requestors qualify as affected persons.

B. Which issues raised in the hearing requests are disputed

The Meyers raised the following issues:

1. Whether the proposed facility would be adequately protective of air quality and human health.
2. Whether the emissions from the proposed facility would negatively impact wildlife and the surrounding environment.
3. Whether the proposed activity would create nuisance conditions that adversely affect the use and enjoyment of property.

C. Whether the dispute involves questions of fact or of law

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other applicable requirements. The issues raised in the requests are issues of fact.

D. Whether the issues were raised during the public comment period

Issues listed in Section III.B. were specifically raised during the public comment period.

E. Whether the hearing request is based on issues raised solely in a withdrawn public comment

No public comments were withdrawn in this matter. Therefore, the hearing requests are not based on issues raised in withdrawn public comments.

F. Whether the issues are relevant and material to the decision on the application

The hearing requests raise issues that are relevant and material to the Commission's decision under the requirements of 30 TAC §§ 55.201(d)(4)(B) and 55.211(c)(2)(A)(ii). To refer an issue to SOAH, the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny the permit. Relevant and material issues are those governed by the substantive law under which the permit is to be issued. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-51 (1986).

Animal, Human, and Environmental Health; Safety; and Use/Enjoyment of Property

The Commission may issue this permit only if it finds no indication that the emissions from the facility will contravene the intent of the Texas Clean Air Act, including protection of the public's health and physical property. *See* THSC § 382.0518(b)(2). Further, the purpose of the Texas Clean Air Act is to safeguard the state's air resources from pollution by controlling or abating air pollution and emissions of air contaminants, consistent with the protection of public health, general welfare, and physical property. THSC § 382.002(a). Finally, regarding nuisance conditions, 30 TAC Section 101.4 states:

No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

Therefore, all three issues in section III.B are relevant and material.

G. Maximum expected duration for the contested case hearing

Commission rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier. To assist the Commission in setting a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing on this application should be 180 days from the first day of the preliminary hearing until the proposal for decision is issued.

IV. CONCLUSION

For the reasons discussed above, OPIC respectfully recommends the Commission find Donna Meyer, Keith Meyer, and Danny Meyer are affected persons and grant their hearing requests. OPIC further recommends the Commission refer the issues listed in section III.B. for a contested case hearing at SOAH with a maximum duration of 180 days.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2026, the original of the Office of Public Interest Counsel's Response to Requests for Hearing was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.

Pranjal
Pranjal M. Mehta

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REQUESTER(S):

See attached list.

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